



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Alexander Conrad, et al.

Ex Parte Appeal No. 97-31-1

Serial No. 08/421,810

Examiner: E. Holloway III

Filed April , 13, 1995

Group Art Unit: 2211

Entitled: INTELLIGENT LOCATOR SYSTEM

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Pittsburgh, Pennsylvania 15219
July 24, 1998

Assistant Commissioner of Patents
Box Patent Appeal and Interferences
Washington DC 20231

REQUEST FOR RECONSIDERATION

Sir:

Reconsideration to the refusal to enter applicant's amendment is respectfully requested. In response to a telephonic request by Mr. Dale Shaw at the Board of Appeals and Interferences, a copy of applicant's Amendment of May 4, 1998 was sent to him by FAX. The Examiner's refusal to enter the Amendment indicates a copy of applicant's claim chart was not in the file. Examiner's Action indicating the record does not include Applicant's Amendment in its total. Accordingly, submitted herewith is an additional copy of the previously mailed Amendment with mail

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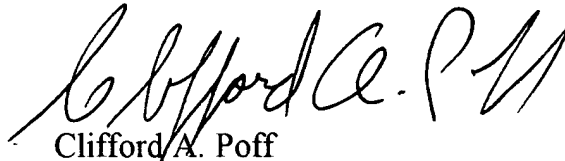
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certification and a verified statement attesting on a personal knowledgeable basis to the previously timely submission of the Amendment pursuant to 37 C.F.R. §1.18.

It is respectfully submitted that the provisions of MPEP 1207 are not applicable to Applicant's Amendment submitted for the purpose of provoking an Interference not prosecution on the merits. Applicant respectfully submits that 37 C.F.R. §1.606 provides a clear basis for the determination of interfering subject matter by the Examiner and no basis for the refusal for entering the Amendment as advanced in the Examiner's response. The refusal to consider applicant's amendment based on the contention that the "necessitates a new search, raises the issue of new matter, presents additional claims without canceling a corresponding number of finally rejected claims" is an improper determination that applicant is attempting to respond to the final rejection when in fact no such insertion has been made and to the contrary and according to 37 C.F.R. §1.606 entitles the applicant to seek an interference with a patent. The contention that a new search is required is believed clearly erroneous because the claims in the patent are assumed to be patentable and that applicant's filing date under 37 C.F.R. §1.20 antedates the earliest alleged filing date of the patentee. A new issue of interference is of paramount importance to the appeal and may be dispositive of the appeal. It is further respectfully pointed out that a claim chart is not required under the rules but was submitted to facilitate consideration of applicant's request for an interference and in response to the suggestion by the clerk of the Board of Appeal for that purpose.

For the foregoing reasons it is requested that the Examiner enter the Amendment and all claims in the application and the patent for the purpose of establishing counts of interference.

Respectfully submitted,



Clifford A. Poff

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MAIL CERTIFICATION

I hereby certify that this correspondence is being deposited with the U.S. Postal Service postage prepaid addressed to: Assistant Commissioner of Patents, Box Patent Appeal and Interferences, Washington DC 20231 on July 27, 1998



Linda C. LaCone

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